

## SENATE BILL No. 508

### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-24; IC 9-25; IC 9-26-1-2; IC 9-29-10-1.

**Synopsis:** Financial responsibility for drivers. Provides that a court may grant a restricted driving permit to a petitioner who failed to provide proof of financial responsibility after an accident or conviction of a motor vehicle violation if the petitioner shows by a preponderance of the evidence that the petitioner had good cause for failure to maintain financial responsibility. (Under current law the petitioner is required to show only that the failure was inadvertent.) Provides that the bureau of motor vehicles may establish a driving record for an unlicensed driver under certain circumstances. Provides that a person who operates a motor vehicle with a suspended license less than ten years after judgment was entered for a prior violation of driving with a suspended license commits a Class A misdemeanor. Provides that a person who operates a motor vehicle without financial responsibility less than five years after judgment was entered for a prior conviction for operating a vehicle without financial responsibility commits a Class D felony. Provides that the fee for reinstatement of a driving license after suspension for failure to have financial responsibility is \$500 for the first suspension, \$1,000 for a second suspension, and \$2,500 for a third or subsequent suspension. Makes conforming amendments.

**Effective:** January 1, 2002.

**Merritt**

January 22, 2001, read first time and referred to Committee on Judiciary.

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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## SENATE BILL No. 508

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 9-24-15-1 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 1. (a) Except as  
3 provided in subsection (b), this chapter does not apply to the following:

4 (1) ~~A suspension of a driving license upon the failure of an~~  
5 ~~individual to file security or proof of financial responsibility~~  
6 ~~following an accident as required by or upon~~ The failure of any  
7 individual to satisfy a judgment for damages arising out of the use  
8 of a motor vehicle on a public highway as provided for in IC 9-25.

9 (2) When suspension is by reason of physical, mental, or  
10 emotional instability, or if the applicant has been convicted of  
11 involuntary manslaughter or reckless homicide as a result of an  
12 automobile accident.

13 (3) A suspension of the license of an applicant whose license has  
14 been previously suspended.

15 (4) A suspension of the license of an applicant who has failed to  
16 use timely appeal procedures provided by the bureau.

17 (b) A court may grant a petition for a restricted driving permit from



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an individual who:

(1) received a request for evidence of financial responsibility after:

(A) an accident under IC 9-25-5-2; or

(B) a conviction of a motor vehicle violation under IC 9-25-9-1; ~~and~~

(2) failed to provide proof of financial responsibility under IC 9-25-6; ~~and~~

(3) ~~if the individual shows by a preponderance of the evidence that the failure individual had good cause in failing to maintain financial responsibility; was inadvertent.~~

**subject to the individual's paying to the bureau the reinstatement fee required under IC 9-29-10-1 and furnishing proof satisfactory to the bureau of financial responsibility under IC 9-25.**

SECTION 2. IC 9-24-18-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 9. (a) The bureau may establish a driving record for an Indiana resident who does not hold any type of valid driving license. The driving record shall be established for an unlicensed driver when:

(1) an abstract of court conviction has been received by the bureau; ~~or~~

**(2) the bureau has received an accident report transmitted to the bureau under IC 9-26-3-3 in which the individual is shown as the driver of the motor vehicle.**

The record shall be maintained for not less than three (3) years for each unlicensed driver.

(b) ~~If an unlicensed driver applies for and receives any type of driving license in Indiana, the person's driving record as an unlicensed driver shall be recorded on the permanent record file. An unlicensed driver who has had at least two (2) traffic violation convictions in Indiana within twenty-four (24) months before applying for any type of driving license may not be issued a license within one (1) year after the date of the second traffic conviction as indicated on the abstract of court conviction record. If the bureau issues a license without knowledge of the second conviction, the bureau shall suspend the license upon learning of the second conviction and notify the person of the reason for the suspension and the term of the suspension.~~

~~(c)~~ **(b)** The bureau shall also certify traffic violation convictions on the driving record of an unlicensed driver who subsequently receives an Indiana driving license.

SECTION 3. IC 9-24-19-2, AS ADDED BY P.L.32-2000, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JANUARY 1, 2002]: Sec. 2. **If:**

(1) a person ~~who~~ operates a motor vehicle upon a highway when the person knows that the person's driving privilege, license, or permit is suspended or revoked; ~~when and~~

(2) less than ten (10) years have elapsed between:

(1) (A) the date a judgment was entered against the person for a prior unrelated violation of:

(i) section 1 of this chapter;

(ii) this section;

(iii) IC 9-1-4-52 (repealed July 1, 1991); or

(iv) IC 9-24-18-5(a) (repealed July 1, 2000); and

(2) (B) the date the violation described in subdivision (1) was committed;

**the person commits a Class A misdemeanor.**

SECTION 4. IC 9-25-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 2. (a) **Except as provided in subsection (b),** a person who:

(1) operates; or

(2) permits the operation of;

a motor vehicle on a public highway in Indiana commits a Class A infraction unless financial responsibility is in effect with respect to the motor vehicle under IC 9-25-4-4.

**(b) If:**

**(1) a person:**

**(A) operates; or**

**(B) permits the operation of;**

**a motor vehicle on a public highway in Indiana when financial responsibility is not in effect with respect to the motor vehicle under IC 9-25-4-4; and**

**(2) less than five (5) years have elapsed between:**

**(A) the date on which a judgment was entered against the person for a prior unrelated violation of:**

**(i) subsection (a); or**

**(ii) this subsection; and**

**(B) the date on which the violation referred to in subdivision (1) was committed;**

**the person commits a Class D felony.**

~~(b) Subsection (c) Subsections (a)(2) applies and (b)(1)(B) apply to:~~

(1) the owner of a rental company that is referred to in IC 9-25-6-3(e)(1); and

(2) an employer that is referred to in IC 9-25-6-3(e)(2).



SECTION 5. IC 9-25-8-4 IS AMENDED TO READ AS FOLLOWS  
[EFFECTIVE JANUARY 1, 2002]: Sec. 4. The commissioner ~~is not~~  
~~required to~~ **may** notify the prosecuting attorney **of the county of**  
**residence** of a driver who has had a driving license suspended for  
failure to prove financial responsibility under this article.

SECTION 6. IC 9-25-9-7 IS AMENDED TO READ AS FOLLOWS  
[EFFECTIVE JANUARY 1, 2002]: Sec. 7. (a) The financial  
responsibility compliance verification fund is established to defray  
expenses incurred by the bureau in verifying compliance with financial  
responsibility requirements under this chapter.

(b) The expenses of administering the fund shall be paid from  
money in the fund.

(c) The sources of money for the fund are as follows:

- (1) The ~~portion of the~~ driving license reinstatement fee ~~that is to~~  
be deposited in the fund under IC 9-29-10-1.
- (2) Accrued interest and other investment earnings of the fund.
- (3) Appropriations made by the general assembly.
- (4) Gifts and donations from any person to the fund.

(d) The treasurer of state shall invest the money in the fund not  
currently needed to meet the obligations of the fund in the same  
manner as other public funds may be invested.

(e) Money in the fund at the end of a state fiscal year does not revert  
to the state general fund.

SECTION 7. IC 9-26-1-2 IS AMENDED TO READ AS FOLLOWS  
[EFFECTIVE JANUARY 1, 2002]: Sec. 2. The driver of a vehicle  
involved in an accident that does not result in injury or death of a  
person but that does result in damage to a vehicle that is driven or  
attended by a person shall do the following:

- (1) Immediately stop the vehicle at the scene of the accident or as  
close to the accident as possible in a manner that does not  
obstruct traffic more than is necessary.
- (2) Immediately return to and remain at the scene of the accident  
until the driver does the following:
  - (A) Gives the driver's name and address and the registration  
number of the vehicle the driver was driving.
  - (B) Upon request, exhibits the driver's license of the driver to  
the driver or occupant of or person attending each vehicle  
involved in the accident.
- (3) If the accident results in total property damage to an apparent  
extent of at least seven hundred fifty dollars (\$750), forward a  
written report of the accident to the state police department within  
~~ten (10)~~ **thirty (30)** days after the accident.



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SECTION 8. IC 9-29-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 1. (a) The fee for the reinstatement of a driving license that was suspended under IC 9-25 is as follows:

(1) For a first suspension, ~~one five hundred fifty dollars (\$150).~~  
**(\$500).**

(2) For a second suspension, ~~two hundred twenty-five one thousand dollars (\$225).~~ **(\$1,000).**

(3) For a third or subsequent suspension, ~~three two thousand five hundred dollars (\$300).~~ **(\$2,500).**

(b) The ~~following amount of each~~ fee paid under this section shall be deposited in the financial responsibility compliance verification fund established by IC 9-25-9-7.

~~(1) Of the fee paid for reinstatement after a first suspension; one hundred twenty dollars (\$120);~~

~~(2) Of the fee paid for reinstatement after a second suspension; one hundred ninety-five dollars (\$195);~~

~~(3) Of the fee paid for reinstatement after a third or subsequent suspension; two hundred seventy dollars (\$270);~~

(c) If:

(1) a person's driving license is suspended for registering or operating a vehicle in violation of IC 9-25-4-1;

(2) the person is required to pay a fee for the reinstatement of the person's license under this section; and

(3) the person later establishes that the person did not register or operate a vehicle in violation of IC 9-25-4-1;

the fee paid by the person under this section shall be refunded.

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